

UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF PUERTO RICO

ELAINE L. CHAO, Secretary of Labor, United States Department of Labor	:	Civil Action
	:	File No.
Plaintiff,	:	98-1527
v.	:	(JAG)/(JA)
	:	
UNIVERSAL SECURITY ADVISORS, INC., A Corporation, and LUIS M. "SERPICO" RIVERA, Individually and as President	:	
	:	
Defendants	:	

**JOINT INFORMATIVE MOTION CONCERNING THE ADJOURNMENT OF THE
CONTEMPT HEARING SCHEDULED FOR MARCH 19, 2004**

To: Honorable Justo Arenas, U.S.M.J.
U.S. District Court for the District of Puerto Rico
Clemente Ruiz Nazario Federal Courthouse
150 Carlos Chardon Street
Hato Rey, Puerto Rico 00918

COMES NOW the Plaintiff, Secretary of Labor, U.S. Department of Labor, and the defendants, Universal Security Advisors, Inc., and Luis M. "Serpico" Rivera, who, by their respective counsel, jointly file this Informative Motion pursuant to Local Rule 311.15, apprising the Honorable Court of the following concerning the adjournment of the contempt hearing scheduled for Friday, March 19, 2004.

1. On Wednesday, March 10, counsels for the Secretary and the defendants spoke by telephone with Hector Ramos, law clerk to the Honorable Justo Arenas, and informed him that the individual defendant, Luis M. Rivera Cruz filed a petition for Bankruptcy under Chapter 11 of the Bankruptcy Code on March 4, 2004. The case is captioned: In the Matter of Luis Maguin Rivera Cruz, Debtor, SS# 6268, Case No. 04-

02405. A Notice of Filing Petition in Bankruptcy Under Chapter 11 and of Automatic Stay of Suits was issued on March 4, 2004.

2. The parties explained in the teleconference with the Court that they need additional time to research the issue of whether the contempt hearing is stayed by the individual defendant's filing.

3. Further, counsel for the Secretary explained that in the Secretary's petition for contempt, she alleges that defendant Universal Security Advisors, Inc. violated the prospective injunction against future violations by attributing overtime hours worked by employees of Universal Security Advisors, Inc. to a second corporation, Unlimited Security Associates, Inc., which paid the employees at their regular straight-time hourly rate. The Secretary alleged in her petition that the individual defendant, Luis M. "Serpico" Rivera Cruz, is the common owner and operator of both Universal Security Advisors, Inc. and of Unlimited Security Associates, Inc. However, defendant Rivera, in his response to the plaintiff's contempt petition, denies any involvement in the operation of Unlimited Security Associates, Inc. and asserts that his son, Harold Rivera Orengo is the operator of Unlimited Security Associates, Inc. Defendants' counsel does not represent Harold Rivera Orengo and Unlimited Security Associates, Inc. As such, Unlimited Security Associates, Inc. may be and Harold Rivera Orengo is currently unserved and both are unrepresented necessary parties to this litigation within the contemplation of F.R.Civ.P. Rule 19. In order to proceed in contempt, the Secretary needs the additional time to serve them with the Petition for Contempt.

4. Based upon the parties' aforementioned explanations to the Court, the contempt hearing was adjourned.

WHEREFORE, the parties jointly and respectfully move this Honorable Court to take notice of the aforementioned as the basis for having adjourned *sine die* the contempt hearing currently scheduled for Friday, March 19, 2004. Once the parties have determined whether the contempt hearing is stayed by the bankruptcy filing; and the plaintiff has served the petition for contempt upon Unlimited Security Associates, Inc. and Harold Rivera Orengo, the Secretary will so notify the Court and move it to reschedule the contempt hearing.

DATED: March 18, 2004
New York, New York

Respectfully submitted:

For the Defendants

For the Plaintiff

s/ Debbie Bermudez
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